

ALCOHOLIC BEVERAGES DIVISION[185]

Adopted and Filed

Pursuant to the authority of Iowa Code section 123.10, the Alcoholic Beverages Division hereby amends Chapter 4, “Liquor Licenses—Beer Permits—Wine Permits,” Iowa Administrative Code.

In June 2016, stakeholders approached the Alcoholic Beverages Division with concerns that rule 185—4.6(123) prevented class “C” beer permit holders from providing a taste of product to a consumer prior to the filling, sealing, and selling of a growler.

The amendment to paragraph 4.6(5)“a” allows class “C” beer permit holders to provide a taste of beer to consumers prior to the filling, sealing, and selling of a growler, as well as during a tasting conducted on the premises of a class “C” beer permit holder. All tastings on the premises of a class “C” beer permit holder must be in accordance with rule 185—16.7(123).

The amendment to paragraph 4.6(5)“h” allows an original container to be opened for the purpose of a tasting in addition to the purpose of filling or refilling a growler. The amendment also removes the restriction that only the permittee or the permittee’s employees may open an original container, allowing an industry member conducting a tasting on the premises of a class “C” beer permit holder to also open original containers as part of the tasting.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2679C** on August 17, 2016. A meeting to hear requested oral presentations, scheduled for September 9, 2016, was canceled without notice because no request was made. The Division did not receive any written comments on this rule making. These amendments are identical to those published under Notice of Intended Action.

These amendments do not provide for waivers in specified situations. An agencywide waiver provision is provided in 185—Chapter 19.

The Alcoholic Beverages Commission adopted these amendments on September 22, 2016.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 123.

These amendments will become effective November 16, 2016.

The following amendments are adopted.

ITEM 1. Amend paragraph **4.6(5)“a”** as follows:

a. Beer shall ~~not~~ only be consumed on the premises of a class “C” beer permit holder for a tasting in accordance with rule 185—16.7(123).

ITEM 2. Amend paragraph **4.6(5)“h”** as follows:

h. An original container shall only be opened ~~by the permittee or the permittee’s employees~~ on the licensed premises for the limited ~~purpose~~ purposes of filling or refilling a growler as provided in this rule, or for a tasting in accordance with rule 185—16.7(123).

[Filed 9/23/16, effective 11/16/16]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 10/12/16.